



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,359	02/18/2004	Gopal K. Chopra	03-357 (US01)	4170
41696 7590 06/15/2007 VISTA IP LAW GROUP LLP 12930 Saratoga Avenue Suite D-2 Saratoga, CA 95070			EXAMINER KOTINI, PAVITRA	
			ART UNIT 3731	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,359

Applicant(s)

CHOPRA, GOPAL K.

Examiner

Pavitra Kotini

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/5/05, 5/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election **without** traverse of group I, claims 1-11 in the reply filed on 5/14/07 is acknowledged. Claims 12-28 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-10 are rejected under 35 U.S.C. 103(a) as obvious over Brown et al. (US-6702843) in view of Vrba (US-5772669).

Brown discloses a medical device, comprising:

Regarding **claim 1**, an elongated member (115) having a proximal end and a distal end (fig. 1); a first radially expandable body (additional expansion balloon under stent; col.4, lines 42-29) surrounding the distal end of the member (fig. 4b); a stent (135) surrounding the first body, wherein radial expansion of the first body radially expands the stent (col.4, lines 42-49); and a second radially expandable body (147) surrounding the stent, wherein the first and second bodies are independently expandable (inflation lumen 152 for balloon 147 is separated from the accompanying inflation lumen of the additional balloon; fig. 3 and 4b; col. 4, lines 45-46).

Brown fails to specifically show the first radially expandable body.

However, Vrba actually shows an additional balloon under the stent (fig.9, 36). Therefore, given the teaching of Brown to have a balloon expandable stent that requires an additional expansion balloon and such features referred to in the reference of Vrba, it would have been obvious to a person of ordinary skill in the art to modify the medical device disclosed by Brown to include an additional balloon as taught by Brown and Vrba. Such a modification would allow for the use of a non-self-expanding stent and provide more control in deployment of the stent.

Regarding **claim 2**, wherein the distal end of the member is blunted (125).

Regarding **claim 3**, wherein the first and second bodies are balloons (col.4, lines 42-29).

Regarding **claim 4**, the first and second bodies are inherently capable of expanding elastically (col.4, line 64-col.8, line 3).

Regarding **claim 5**, the stent (135) expands plastically (col.4, lines 22-30).

Regarding **claim 6**, wherein the second body (147) is an annular balloon (col.4, lines 38 and 64).

Regarding **claim 8**, wherein the first and second bodies and the stent extend along a majority length of the member (fig.1, 4b).

Regarding **claim 9**, wherein the elongated member (115) and the first body (additional expansion balloon) are inherently capable of being removable from the device after the stent is deployed (fig.8b).

Regarding **claim 10**, wherein the elongated member (115) is axially rigid (col.4, lines 6-15).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US-6702843) in view of Vrba (US-5772669) as applied to claim 1, and further in view of Hudson et al. (US-6306154).

Brown in Vrba discloses the invention substantially as claimed above, but fails to disclose a coating on the second or outer balloon.

However, Hudson teaches a balloon (1) that is coated with haemostatic coating (2). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the balloon disclosed by Brown in Vrba to include a haemostatic coating as taught by Hudson.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US-6702843) in view of Vrba (US-5772669) as applied to claim 1, and further in view of Taimisto et al. (US-2004/0116793).

Brown in view of Vrba discloses the invention substantially as claimed above, but fails to disclose emitters configured to send navigational signals.

However, Taimisto teaches such transmitter (30) capable of sending navigational signals (para.0065). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the catheter disclosed by Brown in view of Vrba to include emitters as taught by Taimisto. Such a modification would help enhance the ability to carefully navigate through the convoluted vasculature or tissue.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pavitra Kotini whose telephone number is 571-272-0624. The examiner can normally be reached on M-F 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. Kotini
AU 3731

Tanuyenho
JACKIE TAN-UYEN HO
PRIMARY EXAMINER
6/8/07